

**From:** Demir Ozcan  
**To:** Appeals  
**Subject:** Docket No: 02-6  
**Date:** Tuesday, December 02, 2014 4:29:22 PM  
**Attachments:** [984730 Response to Denial Letter - 3rd Response.doc](#)  
[Letter from E-rate.pdf](#)

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Hello,

The appeal for the letter has been attached. Please contact for any further questions or any concerns.

Please confirm with a quick reply that you received the appeal.

Thank you

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Sincerely,

Demir Ozcan  
Business Administrator  
**Rochester Academy Charter School**  
901 Portland Avenue  
Rochester, NY 14621  
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## ROCHESTER ACADEMY CHARTER SCHOOL

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### FY 2014 E-rate Application Appeal

December 1, 2014

Demir Ozcan  
Rochester Academy Charter School  
FCC Form 471 Application Number(s): 984730  
Docket No: 02-6  
FRNs **2696413** & **2696476**

To the authorized reviewer;

{3<sup>rd</sup> Appeal Response}

#### Appeal Explanation;

*Thank you. We would like to make explanation for the concerns on your letter, so misunderstanding will end and will show that we were applied correctly per regulations.*

#### First Concern;

- We have not selected vendor prior 28 day waiting period.
  - We opened 470 case (correct)
  - During 470 period we contacted USAC (correct)
  - USAC rep. told –per our situation-we didn't have to file 470 (correct)
  - We override (skipped). Basically we behaved like; we didn't file 470 because of ABOVE.
  - It was a mistake to file 470. Actually not needed. We were going to keep waiting 28 waiting period. AFTER PHONE CONVERSATION WITH USAC, we skipped process. (correct)

#### Second Concern;

- We have not selected new products and services.(correct)
- We were keeping using same previous contracts. That's why USAC rep. directed us; we didn't need to file 470. (correct)
- USAC REP. TOLD "IF AN ENTITY DON'T MAKE ANY CHANGES ON THE BIDED CONTRACT IN THE PAST; THEY COULD BASICALLY DON'T HAVE TO GO FOR BID **ANYMORE**, BECAUSE IT IS ALREADY BIDED UNDER USAC RULES AND REGULATIONS IN THE PAST. IF ANY CHANGES OR ADDITIONS WILL NEED TO ADDED TO THE CONTRACT, THEN NEW 470 BIDDING PROCESS IS MANDATORY."(correct)



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### ***Additional comment;***

*Under –per- USAC rules and regulations, we should respond and behave bidders for 470 equally. For the cancelled 470, only one bidder contacted us to apply 470. We told and informed that the same explanation above. We told to the company, it is correct that we opened the 470 process and after we contacted USAC, USAC told us –per our case and situation- we don't have to file 470 and we are skipping this process. And the new bidder didn't ask for any further questions.*

### ***Summary;***

*These are the points that we underlined and would like to underline again. And we know you are working very hard and offering new opportunities to the schools and to the communities.*

*We only kindly express that this is very important situation for our Rochester community that we work for. We can always tolerate that if customer service error happens or customer rep. misdirected us. But, on the other side we strongly want to be treated equally as an ELIGIBLE entity, and we believe that USAC will expand its training opportunities to the Customer Service representatives, if we were informed wrongly. And we believe that USAC will help us to go over this issue, and will award this Grant to Rochester Academy Charter School. So, we could serve our inner-city community that they get better education and service that they deserve it.*

### ***Recommendation from RACS;***

*It looks like we may need a phone conversation with USAC School Libraries and Division. For any details of the situation, please don't hesitate to call or e-mail for any questions. We are happy to go over the details and questions. Because we will happy to go to next step and will be happy to distribute this public offer to our community through our eligible Entity.*

*P.S For the details of how this service was bided under USAC rules and regulations in the past, please refer our previous appeal response. We also forwarded the copy of contract that shows signature is not recently done. Please check for details again.*

*Sincerely,*

Demir Ozcan  
Business Administrator  
RACS

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Demir Ozcan  
Rochester Academy Charter School  
901 Portland Avenue  
Rochester, NY 14621

Billed Entity Number: 16050420  
Form 471 Application Number: 984730  
Form 486 Application Number:





Universal Service Administrative Company  
Schools & Libraries Division

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**Administrator's Decision on Appeal – Funding Year 2014-2015**

October 13, 2014

Demir Ozcan  
Rochester Academy Charter School  
901 Portland Avenue  
Rochester, NY 14621

Re: Applicant Name: ROCHESTER ACADEMY CHARTER  
SCHOOL  
Billed Entity Number: 16050420  
Form 471 Application Number: 984730  
Funding Request Number(s): 2696413, 2696476  
Your Correspondence Dated: September 12, 2014

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2014 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision. If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 2696413, 2696476  
Decision on Appeal: **Denied**  
Explanation:

- During the appeal review in support of your FCC Form 471 application, you provided contract documentation that shows that you selected your vendor prior to the end of the 28 day posting period. In your Receipt Notification Letter, USAC notified you that the earliest date upon which you could sign a contract or enter into an agreement (Allowable Contract Date) was March 26, 2014. You did not provide information on appeal that overturned the original decision. Consequently, USAC denies your appeal because your application did not comply with the competitive bidding requirement that your FCC Form 470 be posted on the website for 28 days prior to signing a contract or entering into an agreement for new products and/or services.

- You selected your vendor for new products and/or services prior to the expiration of the 28 day posting period. FCC rules require that except under limited circumstances, all FCC Forms 470 received be posted on the USAC website for 28 days, and that applicants carefully consider all bids received before selecting a vendor, entering into an agreement or signing a contract, and signing and submitting an FCC Form 471. *See* 47 C.F.R. secs. 54.503(b) and (c), 54.511(a) and (c). FCC rules further require that the Administrator send the applicant a confirmation when the FCC Form 470 has been posted, and inform the applicant of the earliest date upon which they may sign a contract with the vendor it selects. *See* 47 C.F.R. sec. 54.503(c)(4). These competitive bidding requirements help to ensure that applicants receive the lowest pre-discount price from vendors. *See* Federal-State Joint Board on Universal Service, CC Docket No. 96-45, Order on Reconsideration, 12 FCC Rcd 10095, 10098, FCC 97-246 para. 9 (rel. Jul. 10, 1997). New products and/or services include tariff, month to month and services for which a new written contract is sought for the current funding year.

Since your appeal was denied in full, dismissed or cancelled, you may file an appeal with the FCC. Your appeal must be postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found under the Reference Area/"Appeals" of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division  
Universal Service Administrative Company